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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 5764/2016 & CM APPL. 23747/2016

MAHESH GUPTA Petitioner
Through Mr. Charanjeet Singh, Adv.

versus

NORTH DELHI MUNICIPAL CORPORATION & ORS
..... Respondents
Through Ms. Mansi Gupta, Adv.

CORAM:

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

% **25.09.2017**

Instant writ petition came to be filed assailing the vacation notice issued under Section 349 DMC Act in respect of residential premises being 3rd Floor of property no. N-60 (D/S), West Patel Nagar, New Delhi . The instant petition came to be filed on the premise that prior to issuance of the impugned notice, neither any show cause notice nor any demolition order had come to be served. Instant petition came to be entertained during the vacations, as, AT, MCD during the subject period was not functioning.

During the course of hearing, it transpires that the petitioners have since preferred the statutory appeal against the demolition order, but, AT, MCD is not proceeding with the appeal, in view of the pendency of the instant writ petition. Ld. counsel for the petitioner submits that the instant petition may be disposed off with the protection against the impugned notice under Section 349 DMC Act

for a limited period to enable the petitioner to approach AT, MCD for the appropriate interim or other relief(s).

Keeping in view the totality of the facts and circumstances, the writ petition is dismissed as withdrawn, with the liberty reserved to petitioner to approach the AT, MCD for interim relief(s), if any required and it is directed that for a period of two weeks from today, no coercive steps shall be taken against the petitioner in respect of the subject unauthorized construction. It is however, made clear that any observations made by this Court in the instant proceedings shall have no bearing on the disposal of the appeal or the interim application(s) that may be filed by the petitioner and the same shall be decided on their own merit(s). Petition and the pending applications stand disposed off accordingly.

Dasti under the signatures of the Court Master.

A. K. CHAWLA, J

SEPTEMBER 25, 2017

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